

IN THE UNITED STATES DISTRICT COURT FOR
THE DISTRICT OF MARYLAND, NORTHERN DIVISION

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TRUSTEES OF THE PLUMBERS AND
PIPEFITTERS NATIONAL PENSION
FUND,
Plaintiff,

DE

v.

CIVIL ACTION NO: WDQ-96-2427

PAUL S YONEY, INC aka
YONEY, INC.,

Defendant

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ORDER

This cause came to be heard upon the Motion of the Plaintiff Trustees of the Plumbers and Pipefitters National Pension Fund for a finding of contempt against Defendant Yoney, Inc The Court, upon consideration of the motion, all other papers, and evidence submitted by the parties, makes the following findings of fact

- 1 The Court entered an Injunctive Order on February 28, 1997 instructing the Defendant to remit reports and contributions to the Plaintiffs no later than the 20 day after the end of the month contributions are reported The Order was mailed to the Defendant by the Clerk of the Court and a copy was served by the Plaintiffs on the Registered Agent of the Defendant

Gerald J. Yoney, by first class U.S. mail and registered U.S. mail, return receipt requested, on March 4, 1997, and received by the Defendant on March 7, 1997.

2. On February 6, 2003, the Plaintiffs filed a Motion for an Order to Show Cause Why Defendant Paul S. Yoney and Gerald Yoney should not be held in contempt. By Order of February 10, 2003, the Court ordered the Defendants to appear on April 16, 2003 at 10:00 a.m. to show cause why they should not be held in contempt. Defendants were served by the Connecticut State Marshal for Fairfield County on March 7, 2003.
3. On April 15, 2003, the counsel for Defendants filed their Motion to Continue and Reschedule Hearing on Motion to Show Cause. The Court granted the Motion and continued the hearing to May 9, 2003 at 10:30 a.m.
4. On February 6, 2003, the records of the Plaintiff National Pension Fund indicated that the Defendants had failed to remit contributions for the months of October and November 2002 and reports and contributions for the month of December 2002.
5. On January 24, 2003, the Defendants paid their contributions for October 2002 some 65 days late.

6. On February 24, 2003, the Defendants paid their contributions for November 2002 some 66 days late
7. On March 10, 2003, the Defendants paid their contributions for December 2002 some 49 days late.
8. On March 31, 2003, the Defendants paid their contributions for January 2003 some 39 days late.
9. On April 14, 2003, the Defendants remitted reports and contributions due for the month of February 2003 to counsel for the Plaintiffs some 27 days late.

On May 2, 2003, the Defendant remitted reports and contributions due for the month of March 2003 some 12 days late.
11. On May 9, 2003, Defendant Yoney, Inc. appeared through counsel and acknowledged its failure to comply with the injunction Defendant Yoney, Inc. failed to show cause why it should not be held in contempt for its failure to comply with the injunction
12. Since the entry of the Injunctive Order, the Defendant has consistently failed to comply with the requirement for timely remittance reports and contributions to the Plaintiff National Pension Fund

Under the Restated Agreement and Declaration of Trust governing the Plaintiff National Pension Fund, the

Defendant is liable for liquidated damages of ten percent of the amount due if payment is not timely made interest in the amount of twelve percent per annum on the amount of delinquent contributions from the date of delinquency until the date of payment

14. Defendant Yoney, Inc is in contempt of this Court for having failed to obey the Injunctive Order entered on February 28, 1997

Therefore, it is this 19th day of May, 2003, by the United States District Court for the District of Maryland, ORDERED, ADJUDGED AND DECREED:


Defendant Yoney Inc purge its contempt of the Court by taking the following actions:

- a That Defendant Yoney, Inc. shall deliver all future contributions due and owing to the Plaintiff Plumbers and Pipefitters National Pension Fund to the offices of Counsel for the Plaintiffs, John R Harney, Esq., O'Donoghue & O'Donoghue, 4748 Wisconsin Avenue, N.W Washington, D.C 20016, no later than the close of business of the 20th day after the end of the month for which contributions are reported;
- b. That the Plaintiffs are awarded \$37,065.58 which includes \$31,394.64 in liquidated damages, \$3,891.78 in

interest, and \$1,779.80 in attorneys' fees and costs to be paid by Defendant Yoney, Inc within 10 months of the date of this Judgment in monthly installments of \$3,706.56 to be delivered to the offices of Counsel for the Plaintiffs, John R. Harney, Esq., O'Donoghue & O'Donoghue, 4748 Wisconsin Avenue, N.W., Washington, D.C. 20016, no later than the close of business of the first day of each month commencing June 1, 2003.

c. That Defendant Yoney, Inc. shall furnish a bond for the benefit of the Plumbers and Pipefitters National Pension Fund in the amount of \$37,065.58 as security to be delivered to the offices of Counsel for the Plaintiffs, John R. Harney, Esq., O'Donoghue & O'Donoghue, 4748 Wisconsin Avenue, N.W., Washington, D.C. 20016, within 10 days of the entry of this Order.

d That Defendant Yoney, Inc. shall file with this Court a sworn statement setting forth in detail the steps taken to comply with this Order with a copy to Counsel for the Plaintiffs within 10 days after the Entry of this ORDER



William D. Quarles, Jr.
United States District Judge

cc: John R. Harney, Esq

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